

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL KEVIN DuPONT, *
Petitioner *

v. *

* No.04-11431-GAO

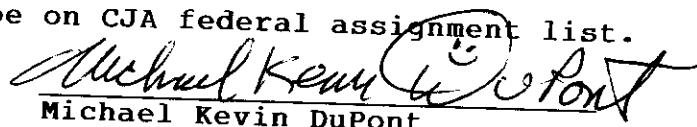
DAVID NOLAN, *
Respondent *

AFFIDAVIT OF MICHAEL DuPONT IN SUPPORT OF PETITIONER'S
MOTION FOR ASSIGNMENT OF NEW COMPETENT C.J.A. COUNSEL

I, Michael Kevin DuPont, hereby depose and state of my own personal knowledge, under pain and penalty of perjury, that:

- 1) In Commonwealth V. Cuff Davis, more than a decade ago, I reviewed what appeared to be obvious non-strategic errors by John Amabile, which were covered up by CPCs appellate counsel and being prepared at the time of Cuff Davis's death in December 2004 by newly assigned CPCs counsel, partially based on issues I drafted.
- 2) In 2004 I noticed attacks on Attorney Amabile by Attorney David Duncan in Commonwealth V. Beliard and Attorney Crystal Murray in Commonwealth V. Jackson and during the past decade I have generally associated Amabile's name with his reputation within the prison community for ineffective assistance.
- 3) As the record verifies, no appearance was filed by Amabile in my case, he refused to accept my collect telephone calls and refused to answer my letters or visit me prior to Judge O'Toole's January 10, 2005 letter to Amabile, which did no good.
- 4) Amabile appeared not to know federal decisional law on our January 12, 2005 visit and before January 27, 2005 hearing.
- 5) By "appeared not to know" I mean that, when I cited decision titles Amabile had a blank look ("Deer caught in the headlights") and did not appear to understand the case points on 1/12/05 and before 1/27/05 hearing Amabile asked me to get him copies of habeas bail decisions I gave him title of, but he did not know of or argue.
- 6) My habeas petition raises similar lack of legal knowledge and lack of diligence for nine state lawyers, and the tenth lawyer in this case, John Amabile can hardly attack other lawyers for the same kind of misrepresentation negligence he similarly commits. I have, therefore, filed Board of Bar Overseer's and CJA complaints against Amabile who should not be on CJA federal assignment list.

February 4, 2005
copy served on 2/7/05 on
Attorney General's Office
cc. Federal CJA Assignment staff


Michael Kevin DuPont
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